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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**EXHIBIT  
2**

No. 1:21-cv-00083-MV-JFR

SUSIE ZAPATA and MONICA GARCIA,

Plaintiffs,

vs.

LEON MARTINEZ, ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BERLEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC,

Defendants.

DEPOSITION OF BERLEEN ESTEVAN  
March 14, 2022  
10:30 a.m.  
Via Zoom Virtual Platform  
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE, this deposition was:

TAKEN BY: STEVEN R. ALLEN, ESQUIRE  
ATTORNEY FOR THE PLAINTIFFS

REPORTED BY: ROBIN E. JOHNSON, NM CCR 105, CA, TX  
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<p style="text-align: center;">Page 26</p> <p>1 don't know -- like I don't know his scope of work, what he's    2 supposed to do. I cannot answer that. I don't know. But I know    3 that in any place, in any business establishment there is always    4 somebody above or a safety officer, a fire safety officer that    5 you have to report to. As far as like their roles and what they    6 are supposed to take on, I don't know.</p> <p>7 <b>Q. Did you, um, did you ever report issues related to</b>  <b>rodents to Mr. Sanchez at Western?</b></p> <p>8 A. Uh-huh.</p> <p>9 <b>Q. Tell me about what you remember of that.</b></p> <p>10 A. So, I would report like where I seen them, what cooler    11 or where -- where we found like the feces, um, report it to him.    12 Or, if he was on vacation, then you always know that you have    13 master control. Who was in there, you know, when we were    14 working, I don't know. But that's normally -- if it's on a    15 weekend, there is a shift commander that you report to.</p> <p>16 <b>Q. How many times do you think you spoke with Mr. Sanchez</b>  <b>about the presence of rodents at Western?</b></p> <p>17 A. Can you explain that a little bit more?</p> <p>18 <b>Q. Yeah. You mentioned that --</b></p> <p>19 You know, I asked you if you had ever spoken with    20 Mr. Sanchez about rodents at Western, and you said you had. I'm    21 just wondering how many times that ever happened.</p> <p>22 A. Like the last year, or?</p> <p>23 <b>Q. During your entire time at Western.</b></p>	<p style="text-align: center;">Page 28</p> <p>1 <b>sometimes about controlling rodents?</b>    2 <b>It sounds like earlier on in your time at Western it</b>    3 <b>was every couple days.</b></p> <p>4 <b>Did that taper off?</b></p> <p>5 A. Yeah. Yeah, it did. Yes.</p> <p>6 <b>Q. And around what time did that taper off, the timeframe?</b></p> <p>7 A. I cannot recall. I can't -- I can't recall. I --</p> <p>8 <b>Q. Um, was it -- was it recently then it tapered off?</b></p> <p>9 <b>Because you were working at Western until November of</b>  <b>last year, correct?</b></p> <p>10 A. Yes.</p> <p>11 MS. MOULTON: Objection to form.</p> <p>12 <b>Q. (MR. ALLEN) So, was it sometime in 2021 that it tapered</b>  <b>off?</b></p> <p>13 MS. MOULTON: Same objection.</p> <p>14 A. I -- I don't think so. I -- I -- I don't think so. I    15 think it was maybe a little bit earlier than that.</p> <p>16 <b>Q. (MR. ALLEN) Like what do you think?</b></p> <p>17 <b>Was it in 2020?</b></p> <p>18 <b>Was it 2017?</b></p> <p>19 <b>I'm trying to get like a rough chronology of -- of</b>  <b>this.</b></p> <p>20 MS. PULLEN: I'm going to object to the form.</p> <p>21 MS. MOULTON: Join.</p> <p>22 A. Um, I -- I really can't answer that. I don't remember</p>
<p style="text-align: center;">Page 27</p> <p>1 <b>I'm sorry. I cut you off. I'm doing what Lisa advised</b>  <b>us not to do.</b></p> <p>2 A. Um, I want to say not so much the last couple years,    3 but before that. I want to say maybe, I don't know, maybe every    4 other day, every two days.</p> <p>5 <b>Q. You spoke with Mr. Sanchez approximately every two</b>  <b>days.</b></p> <p>6 <b>And what approximate timeframe was that that you're</b>  <b>referencing in terms of month and year?</b></p> <p>7 I know it's a long time ago. So, I understand it's    8 difficult to recall, but.</p> <p>9 A. Um, you know, like I said, it was just like every two    10 days, every other day. I don't -- mouse aren't seasonal. I    11 don't know. Whenever we saw them or we saw feces, then we would    12 let them know, like I said. But there was a process at the end,    13 um, that I was there that they implemented, so.</p> <p>14 <b>Q. And was that a process to, um, to control the rodents?</b></p> <p>15 A. No, to, um, like if you saw rodent feces then you would    16 let the, um, shift commander know. And then he would do, um, his    17 part and, um, get his staff and the biohazard team to come in,    18 the biohazard inmate team to come in and clean it up. So, we    19 wouldn't like to have to clean it up for cross-contamination    20 purposes.</p> <p>21 <b>Q. That makes sense.</b></p> <p>22 <b>And so, um, so did you still speak to Mr. Sanchez</b></p>	<p style="text-align: center;">Page 29</p> <p>1 anything, much of anything, like unless you show me a piece of    2 paper, that happened in 2020 because of my stroke. I -- I    3 just -- there is some things that I'm just not going to remember.    4 I can't give you an exact cutoff date. I can't give you an exact    5 month, day or time that things stopped happening because I    6 just -- I can't.</p> <p>7 <b>Q. (MR. ALLEN) Understood. Yeah. And I certainly</b>    8 <b>wouldn't expect you to give me an exact date. I'm just sort of</b>    9 <b>trying to get a general sense of it.</b></p> <p>10 <b>So, at one point you were talking with Mr. Sanchez</b>    11 <b>every couple of days about the presence of rodents at Western.</b></p> <p>12 <b>Did that go on for months?</b></p> <p>13 A. Sometimes, yeah. And not really talking, but just    14 reporting it, letting him know we found mouse feces here.    15 Reporting it so he can, you know, take care of the situation.</p> <p>16 <b>Q. Did you notice any steps that he took to take care of</b>    17 <b>the situation?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. And what did you notice?</b></p> <p>20 A. He would -- he would let us know like, um, like to make    21 change. Like he would give us ideas. He would say like: Maybe    22 put everything in plastic bins. It might help. Maybe if you    23 clean certain things, you know, it might help.</p> <p>24 And we would do that. He would bring us sticky mouse    25 traps: Let us know whenever you need more. Let me know.</p>

<p style="text-align: center;">Page 34</p> <p>1 over it. If you have any questions, give me a call, holler at 2 me. And they go over it, and then they hand it to the staff. 3 Sometimes, there is a quiz within those trainings. So, 4 then you give it to them, and then I go back and check them off.</p> <p>5 <b>Q. What kinds of topics have been covered recently that 6 you can recall?</b></p> <p>7 A. Um, label and dating. I know the driver safety course, 8 um, how to stock food, um, cooling off food, like, um, like if 9 you are sick like, um, when to report to work, when not to report 10 to work, and, of course, um, that infamous COVID material that 11 we've probably had more often than anything.</p> <p>12 <b>Q. Oh, I bet. Yeah, that makes sense.</b></p> <p>13 MR. ALLEN: Okay. I think what I would like to do is 14 just take a quick five-minute break, if everyone is okay with 15 that, and come back at 11:35.</p> <p>16 (Recess taken from 11:30 until 11:36 a.m.)</p> <p>17 Q. (MR. ALLEN) I'm going to try and share my screen. I'm 18 not sure what's easiest, Ms. Estevan. You might want to look at 19 a hard copy. I'm not sure what your setup is on your end, but 20 I'll try and open this up and see what this looks like.</p> <p>21 <b>Can you see that?</b></p> <p>22 MS. PULLEN: Yes. And I've actually got a hard copy 23 here for her as well.</p> <p>24 MR. ALLEN: Perfect. Thank you for thinking of that.</p> <p>25 Q. (MR. ALLEN) So, this is in response to your, um, to</p>	<p style="text-align: center;">Page 36</p> <p>1 <b>Was it once a month?</b> 2 <b>Was it every day?</b> 3 <b>Like how frequently did you see them?</b> 4 A. In the beginning, sometimes, like daily.</p> <p>5 <b>Q. Okay. And in what context did you see them?</b> 6 <b>Where were they?</b> 7 A. Mostly on the floor. Like on the ground.</p> <p>8 <b>Q. Were there times when they weren't on the floor?</b> 9 A. Um, not that I can remember.</p> <p>10 <b>Q. So, when you said mostly on the floor, did you mean 11 that you only saw them running around on the floor?</b> 12 A. Yes.</p> <p>13 <b>Q. Okay. Did you ever see nests of rodents in the kitchen 14 while you worked there?</b> 15 A. Like do I go and look for them, or what do you mean?</p> <p>16 <b>Q. Did you see, with your own eyes, nests of rodents in 17 the kitchen?</b> 18 <b>Like did you see little baby rodents clustered together 19 in a nest at anytime while you worked at Western?</b> 20 A. Yes.</p> <p>21 <b>Q. Tell me about that.</b> 22 A. It was like in a box of, um, like, um, they're called 23 hair bouffants, like you put them on your head to prevent your 24 hair from going all over. So, it was like in a box like that 25 way. It would be on the bottom shelf.</p>
<p style="text-align: center;">Page 35</p> <p>1 <b>Interrogatory No. 3, Ms. Estevan, and it's this one that asks 2 about remedial measures to address the presence of rodents at 3 Western from January 1, 2017 through the present.</b> 4 <b>And let me look at your answers down here.</b> 5 <b>So, the first one, um, it says that you notified WNMCF 6 of possible rodent contamination of food.</b> 7 <b>Do you see that text there?</b> 8 A. Yes. 9 Q. <b>Can you tell me about that?</b> 10 <b>In what ways did you notify them, and who did you 11 notify specifically?</b> 12 A. So, I would let the fire safety officer, Sanchez, know 13 that there was like rodents present. 14 Q. <b>And you said at one point this was happening 15 approximately every other day?</b> 16 A. Yes. 17 Q. <b>Okay. And let's see here. Your answer to No. B, it 18 says that you notified them that they may have entered areas 19 where food was prepared or consumed.</b> 20 <b>Did you see rodents yourself in the kitchen?</b> 21 A. Yes. 22 Q. <b>And how often did that happen?</b> 23 A. Um, can you clarify that? 24 Q. <b>Yeah. Did you see rodents, like the actual animal, 25 like once a week?</b></p>	<p style="text-align: center;">Page 37</p> <p>1 <b>Q. What did the nest look like?</b> 2 A. Like it just -- like, um, chewed-up paper. Like 3 chewed-up -- like hair bouffants that are chewed up. 4 Q. <b>And how you did you know it was a rodent nest?</b> 5 A. Because there was like, um, like you said, little baby 6 mice in there. 7 Q. <b>I see.</b> 8 <b>How many?</b> 9 A. Oh, I don't know. I didn't count them. 10 <b>Q. Were there any other times that you saw rodent nests at 11 Western?</b> 12 A. No. 13 Q. <b>That's the only time?</b> 14 A. That we actually came across one, yes. 15 Q. <b>Okay. What about rodent feces, like how often did you 16 see that at Western?</b> 17 A. Like up until like a couple years ago, it was like 18 almost every day, every other day. 19 Q. <b>And that's improved over time?</b> 20 A. Yes. 21 Q. <b>So, by the time you, um, you left Western, say in 2021, 22 how often did you see rodent feces?</b> 23 A. Um, never. 24 Q. <b>Wow. That's a big change.</b> 25 A. Yeah.</p>

<p style="text-align: center;">Page 38</p> <p>1      <b>Q. What do you attribute that to?</b></p> <p>2      A. Um, me complaining. My e-mail, um, yeah.</p> <p>3      <b>Q. So, over time it got better just because you raised the</b></p> <p>4      <b>alarm about it?</b></p> <p>5      MS. PULLEN: Can you hear us okay?</p> <p>6      MR. ALLEN: I think you cut out there.</p> <p>7      <b>Q. (MR. ALLEN) Could you repeat your response,</b></p> <p>8      <b>Ms. Estevan?</b></p> <p>9      A. I'm sorry. Repeat the question.</p> <p>10     <b>Q. I guess, did you view yourself as raising an alarm</b></p> <p>11     <b>about the presence of rodents at Western and that's what led to</b></p> <p>12     <b>this change?</b></p> <p>13     A. That and working with Western.</p> <p>14     <b>Q. And what specifically was done to address the presence</b></p> <p>15     <b>of rodents at Western?</b></p> <p>16     A. Um, like addressing where the actual, like what we</p> <p>17     thought was the actual place. Um, like the coolers, those are</p> <p>18     all redone. The coolers and the freezers are all brand-new. We</p> <p>19     got brand-new kitchen equipment, and then like taking out certain</p> <p>20     things. Just like, I guess you would say just working with</p> <p>21     Western, trying to find different avenues to solve the problem.</p> <p>22     <b>Q. And how did they -- what specifically did they do to</b></p> <p>23     <b>redo the coolers and the freezers?</b></p> <p>24     A. They, um, demolished them. They took them down. Like</p> <p>25     wiped out the whole thing, all the way to the ground and, um,</p>	<p style="text-align: center;">Page 40</p> <p>1      <b>And you mentioned that you verbally communicated with</b></p> <p>2      <b>personnel, including the warden.</b></p> <p>3      <b>Can you tell me, um, which wardens you communicated</b></p> <p>4      <b>with about this?</b></p> <p>5      A. Um, we went through so many wardens at Western. I know</p> <p>6      I spoke with, uh, Roberta. Then there was Leon. And then, um,</p> <p>7      the new lady, the new warden, I don't remember her name.</p> <p>8      <b>Q. My understanding is that there is these weekly meetings</b></p> <p>9      <b>at Western with department the heads.</b></p> <p>10     <b>Is that correct?</b></p> <p>11     A. I don't know what warden you are referring to. They</p> <p>12     all ran their -- they all ran the -- they all ran warden meetings</p> <p>13     different. Not one of them was the same.</p> <p>14     <b>Q. I see.</b></p> <p>15     <b>Did some wardens have, um, meetings with all their</b></p> <p>16     <b>department heads and some didn't?</b></p> <p>17     A. Yes.</p> <p>18     <b>Q. Did Roberta and Leon both have meetings with department</b></p> <p>19     <b>heads, regular meetings?</b></p> <p>20     A. When Roberta was the warden, she would have weekly</p> <p>21     meetings every morning. And then Leon, I believe, came in as the</p> <p>22     deputy warden. But, once he took over, he kind of spaced them</p> <p>23     out. So, it was like maybe every other week.</p> <p>24     <b>Q. Got it.</b></p> <p>25     <b>And who ran those meetings?</b></p>
<p style="text-align: center;">Page 39</p> <p>1      brought in new -- new frames for them, new -- however they are</p> <p>2      built. I don't know how to explain it.</p> <p>3      <b>Q. Wow. So, I mean, that sounds like fairly significant</b></p> <p>4      <b>construction.</b></p> <p>5      <b>Is that what you're staying?</b></p> <p>6      A. Yeah.</p> <p>7      <b>Q. And what -- how did the kitchen stay running while that</b></p> <p>8      <b>construction was happening?</b></p> <p>9      A. It was taped off with, um, with a large plastic. And</p> <p>10     then every night, um, I would have my inmates, um, drape like --</p> <p>11     like -- I guess you would call them like those painter's plastic.</p> <p>12     I don't know what they're called, but I would go out and buy them</p> <p>13     and just drape them all over the equipment so there is no dust or</p> <p>14     anything. But the company that did the whole construction, they</p> <p>15     like sealed that part of the, um, freezer and coolers off with a</p> <p>16     large plastic where it didn't even affect us at all. It didn't</p> <p>17     affect our operation.</p> <p>18     <b>Q. Wow. Do you know what company did the construction?</b></p> <p>19     A. I cannot recall.</p> <p>20     <b>Q. Okay. Well, that's helpful.</b></p> <p>21     Let's see. Let me go down here in the same document.</p> <p>22     So, we're looking at Interrogatory No. 4 now and your response to</p> <p>23     it. And this is the one that asks for you to describe any</p> <p>24     conversations or communications you had about the presence of</p> <p>25     rodents at Western.</p>	<p style="text-align: center;">Page 41</p> <p>1      A. Um, the warden herself.</p> <p>2      <b>Q. And did you attend those meetings?</b></p> <p>3      A. Um, most of the time.</p> <p>4      <b>Q. Did Mr. Sanchez attend those meetings?</b></p> <p>5      A. Yes.</p> <p>6      <b>Q. And how often was the subject of rodents discussed in</b></p> <p>7      <b>those meetings?</b></p> <p>8      A. Like, um, almost like daily. Like if you saw something</p> <p>9      you reported it.</p> <p>10     <b>Q. The meetings were once a week under Roberta though,</b></p> <p>11     <b>right, and maybe once every other week under Leon?</b></p> <p>12     A. Yes.</p> <p>13     <b>Q. Is that correct?</b></p> <p>14     A. Yeah. Roberta would have them like every morning. So,</p> <p>15     you went in every morning at eight, and she had a meeting.</p> <p>16     <b>Q. Oh. Were they daily under Roberta?</b></p> <p>17     A. Yes.</p> <p>18     <b>Q. Oh. I misunderstood that.</b></p> <p>19     <b>So, what I'm asking is, how often did staff, in these</b></p> <p>20     <b>department head meetings, discuss the presence of rodents at</b></p> <p>21     <b>Western?</b></p> <p>22     A. I think the meetings weren't designed to discuss</p> <p>23     rodents but more or less go over what each department was doing.</p> <p>24     Maybe education was having graduation, or maybe the Chaplin would</p> <p>25     gather a list together for Lent or Passover. They weren't</p>

<p style="text-align: center;">Page 42</p> <p>1 designed to discuss rodents.</p> <p>2     <b>Q. No, I get that, but I'm just wondering if it ever came</b></p> <p>3 <b>up?</b></p> <p>4     A. If I reported it, I -- like we just gave a general</p> <p>5 overall what was happening. So, let's say, for instance, there</p> <p>6 is a shortage. You would let them know there is a shortage, the</p> <p>7 kitchen is doing fine, we are short-staffed with inmates, we</p> <p>8 found more mouse feces. You would just kind of give a general on</p> <p>9 that.</p> <p>10    <b>Q. I see.</b></p> <p>11    <b>So, you did bring up the presence of rodents, at least</b></p> <p>12 <b>occasionally, in these department head meetings?</b></p> <p>13    A. Yes.</p> <p>14    MS. PULLEN: Object to form.</p> <p>15    <b>Q. (MR. ALLEN) Sorry. Could you give your answer one more</b></p> <p>16 <b>time, Ms. Estevan?</b></p> <p>17    A. Yes.</p> <p>18    <b>Q. Okay. So, this is still the response to Interrogatory</b></p> <p>19 <b>No. 4. It mentions that you had communication with Ian</b></p> <p>20 <b>Tillotson.</b></p> <p>21    <b>Tell me what Mr. Tillotson's role is.</b></p> <p>22    A. Can you clarify that?</p> <p>23    <b>Q. Yeah. What was your professional relationship with</b></p> <p>24 <b>Mr. Tillotson?</b></p> <p>25    <b>Like why were you communicating with him about this?</b></p>	<p style="text-align: center;">Page 44</p> <p>1     it. And then I would, you know, I would like try to reach out to</p> <p>2 him by phone. And if I couldn't reach out to him, then I would</p> <p>3 send him an e-mail, you know, letting him know that like nothing</p> <p>4 is being done, um, I don't know what else to do and, um.</p> <p>5     Then, like I said, he would give me like directives on</p> <p>6 how to handle certain situations.</p> <p>7     <b>Q. Was it frustrating, um, the response from corrections</b></p> <p>8 <b>staff to the presence of rodents?</b></p> <p>9     A. Yes.</p> <p>10    <b>Q. And tell me about that.</b></p> <p>11    <b>What was frustrating about it?</b></p> <p>12    A. Like talking on deaf ears.</p> <p>13    <b>Q. And who in particular did you feel like it just fell on</b></p> <p>14 <b>deaf ears?</b></p> <p>15    A. Like the wardens.</p> <p>16    <b>Q. And, um, what about Mr. Sanchez, was he responsive?</b></p> <p>17    A. He was responsive. He would like, um, like he would --</p> <p>18 like I said, he would tell me like: Well, you need to clean this</p> <p>19 or, um, you know, you change the mouse traps and we will get</p> <p>20 bins, or maybe you can, you know, talk to Orona, you know, see if</p> <p>21 you can bring like big trashcans in for like the oatmeal. And</p> <p>22 then I kind of like would give ideas, too. But Mr. Sanchez</p> <p>23 helped me most times than anybody there.</p> <p>24    <b>Q. With the rodents?</b></p> <p>25    A. Yeah, with the rodent situation.</p>
<p style="text-align: center;">Page 43</p> <p>1    A. He was the district manager for my area.</p> <p>2    <b>Q. Did he supervise you?</b></p> <p>3    A. Yes.</p> <p>4    <b>Q. Did you have any other supervisor while you were at</b></p> <p>5 <b>Western?</b></p> <p>6    A. What are you asking me?</p> <p>7    <b>Q. Who was your boss during the time you were at Western?</b></p> <p>8    A. Ian was my boss.</p> <p>9    <b>Q. Tell me about the conversations you had with Ian about</b></p> <p>10 <b>rodents at Western.</b></p> <p>11    A. I would report it. I would let him know. Like I</p> <p>12 reported in a meeting that we saw mouse feces, um. And then I</p> <p>13 would let him know like nothing is being done. Then he would</p> <p>14 like tell me this is what you need to do next, this is how you</p> <p>15 need to, um, like give me directives to follow.</p> <p>16    <b>Q. I see.</b></p> <p>17    <b>And how often did you speak with him about rodents at</b></p> <p>18 <b>Western do you think?</b></p> <p>19    A. Um, I guess like when I felt it like was overwhelming</p> <p>20 about that or nothing was being done, then I would reach out to</p> <p>21 him.</p> <p>22    <b>Q. Tell me about in what situation it felt overwhelming at</b></p> <p>23 <b>Western?</b></p> <p>24    A. Like when you would let Western know that, you know,</p> <p>25 you found mouse droppings and like they don't do anything about</p>	<p style="text-align: center;">Page 45</p> <p>1     <b>Q. Do you feel like he recognized it as a serious problem</b></p> <p>2 <b>at the prison?</b></p> <p>3     MS. PULLEN: Objection, form.</p> <p>4     A. I cannot answer that.</p> <p>5     <b>Q. (MR. ALLEN) Fair enough.</b></p> <p>6     <b>You mentioned someone named Orona.</b></p> <p>7     <b>Who is that?</b></p> <p>8     A. That's the EID that, um, the offers protection for</p> <p>9 environment.</p> <p>10    <b>Q. That's right.</b></p> <p>11    <b>And what were your interactions with him about this,</b></p> <p>12 <b>about the presence of rodents at Western?</b></p> <p>13    A. Um, I know that we had, um, one visit. Um, I don't</p> <p>14 remember when it was. He did find some rodent droppings. He</p> <p>15 told us like what we could do. Um, then that's when I asked him,</p> <p>16 like can we use the big trashcans for the oatmeal. And his</p> <p>17 answer was: Yes, you can, but you have to label it. You have to</p> <p>18 label it oatmeal and have a date on it when it goes in. You</p> <p>19 can't just -- it has to be locked up, is what we were told.</p> <p>20    <b>Q. How often did you interact with Mr. Orona?</b></p> <p>21    A. Not very often, only when he came to do the</p> <p>22 inspections.</p> <p>23    <b>Q. And how often was that?</b></p> <p>24    A. I believe they come yearly.</p> <p>25    <b>Q. Did anyone else ever come in and do inspections</b></p>

<p style="text-align: center;">Page 58</p> <p>1 MS. PULLEN: Objection to form and foundation.</p> <p>2 A. Um, we would limit it to equipment like that way. We</p> <p>3 really didn't have that type of equipment, um. I know at a point</p> <p>4 in time it was like: Well, who buys it? Who is supposed to?</p> <p>5 It wasn't a point of just go out and buy it. It was</p> <p>6 who had the funding for it, who was supposed to buy it, Western</p> <p>7 or us. So, I didn't really have much knowledge as far as like</p> <p>8 what we were supposed to provide them.</p> <p>9 Q. Okay. Did you ever witness inmates using any</p> <p>10 protective gear, other than gloves, when they were cleaning up</p> <p>11 feces during your time at Western?</p> <p>12 A. Can you -- like in kitchen or overall or what?</p> <p>13 Q. Yeah, in the kitchen.</p> <p>14 Did they ever -- did they ever have any protective</p> <p>15 equipment, other than gloves, when they were cleaning up rodent</p> <p>16 feces?</p> <p>17 MS. PULLEN: Objection to form and foundation.</p> <p>18 A. No.</p> <p>19 Q. (MR. ALLEN) Okay. Let's see here. How about these</p> <p>20 biohazard certified inmates, do you know much about that?</p> <p>21 Like how do inmates get that certification?</p> <p>22 A. I don't have any --</p> <p>23 I don't know anything about like how they are chosen or</p> <p>24 what training they do.</p> <p>25 Q. Okay. Let me go down now to the Bates-stamped document</p>	<p style="text-align: center;">Page 60</p> <p>1 Do you know what is -- what is cut off there?</p> <p>2 A. I believe it just says: Shared, shared the diet room.</p> <p>3 Q. Shared with or something maybe?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. Let's look at the term rodent infestation</p> <p>6 though.</p> <p>7 I mean, do you agree that, at least at this time in</p> <p>8 2018, that there was a rodent infestation at Western?</p> <p>9 MS. PULLEN: Objection to form and foundation.</p> <p>10 A. Can you explain that a little bit more?</p> <p>11 Q. (MR. ALLEN) Well, this is your language, right?</p> <p>12 You're submitting this work order, and you're doing it,</p> <p>13 um, because you want a rodent infestation addressed, and I'm</p> <p>14 asking if you agree there was a rodent infestation at Western at</p> <p>15 this time?</p> <p>16 MS. PULLEN: Same objection.</p> <p>17 A. Well, to me, like an infestation is more than two mice</p> <p>18 from when I see them, but, you know. And I grabbed the attention</p> <p>19 of, you know, the wardens to have them do something, you know.</p> <p>20 Q. (MR. ALLEN) So, is this language accurate, or is it not</p> <p>21 accurate?</p> <p>22 MS. PULLEN: Objection, form.</p> <p>23 A. I guess, for me, it's accurate. I don't know how</p> <p>24 anybody else would have seen it.</p> <p>25 Q. (MR. ALLEN) Okay. So, to be clear, you agree that it</p>
<p style="text-align: center;">Page 59</p> <p>1 No. 14, Summit-Gen 14.</p> <p>2 Do you see this one?</p> <p>3 It's got Met facilities at the top. It's a work order.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. It looks to me that this was around the time of</p> <p>6 that 2018 EID inspection that we were looking at; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And do you, um, do you know who submitted this</p> <p>9 work order?</p> <p>10 A. I submitted it.</p> <p>11 Q. You submitted it. Okay.</p> <p>12 So, is this your language here, where it says, under</p> <p>13 custom task, need exterminator?</p> <p>14 A. Um, I believe that this was the time when like the</p> <p>15 warden wasn't answering or wasn't very responsive. So, this was</p> <p>16 one of the times that he had came out.</p> <p>17 Q. Then what? Could you say that last part again?</p> <p>18 A. This was one of the times when Ian came out to our unit</p> <p>19 to happen address the situation.</p> <p>20 Q. Got it. Yeah. What I'm wondering is if this</p> <p>21 description of the task is your language.</p> <p>22 A. Yes.</p> <p>23 Q. So, it says: Need exterminator to address the rodent</p> <p>24 infestation inside the wall. And then some language is cut off</p> <p>25 there.</p>	<p style="text-align: center;">Page 61</p> <p>1 was accurate to call it a rodent infestation at Western at the</p> <p>2 time you submitted this work order; is that correct?</p> <p>3 MS. PULLEN: Objection to form and foundation.</p> <p>4 A. Um, yeah.</p> <p>5 Q. (MR. ALLEN) Okay. Then we go down here to Bates</p> <p>6 Summit-Gen 16.</p> <p>7 Do you see this document?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And who submitted this work order?</p> <p>10 A. I submitted it.</p> <p>11 Q. And so, you know, I'm going to have the same questions</p> <p>12 as I had before. There is language under custom task.</p> <p>13 That's your language?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So, you agree that there was a mouse infestation</p> <p>16 in cooler four at this time?</p> <p>17 MS. PULLEN: Objection to form.</p> <p>18 A. Not the whole cooler, but just one certain part.</p> <p>19 Q. (MR. ALLEN) So, there was a mouse infestation of one</p> <p>20 certain part of cooler four?</p> <p>21 A. Yeah. It wasn't like -- it was just a big hole is what</p> <p>22 it was.</p> <p>23 Q. And why is the hole significant?</p> <p>24 Tell me about that.</p> <p>25 A. Because it was like in the corner. It was -- we</p>

<p style="text-align: center;">Page 62</p> <p>1 wouldn't put sticky traps down.</p> <p>2 <b>Q. Were there mice coming in and out of that hole?</b></p> <p>3 A. From what I -- like you lay a sticky trap down, and you</p> <p>4 see like rodent droppings on there, yeah, but I wouldn't -- I</p> <p>5 didn't stand there and watch it all hours of the day.</p> <p>6 <b>Q. Okay. Did any of your Summit colleagues see rodents</b></p> <p>7 <b>coming in and out of that hole or inmates who reported it to you?</b></p> <p>8 A. Not that I can remember. It was just like an eyesore,</p> <p>9 just something you can see.</p> <p>10 <b>Q. The hole was an eyesore?</b></p> <p>11 <b>Let me just understand that.</b></p> <p>12 <b>I mean, your objection wasn't to there being a hole</b></p> <p>13 <b>there; was it?</b></p> <p>14 A. No. It was, like I said, it was just like -- it was a</p> <p>15 hole that you could see it, but I don't recall anybody telling</p> <p>16 me: Hey, there is a mouse coming out of that hole. It was just</p> <p>17 a big hole that you could see.</p> <p>18 <b>Q. So, tell me what you recall about this.</b></p> <p>19 <b>Why did you call it a mouse infestation if you just</b></p> <p>20 <b>don't recall seeing mice coming in and out?</b></p> <p>21 <b>Tell me more about that.</b></p> <p>22 A. Just seeing the mice droppings.</p> <p>23 <b>Q. In and around the hole?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Was it a significant amount of mouse droppings?</b></p>	<p>1 pass us.</p> <p>2 <b>Q. Do you remember that, this at all?</b></p> <p>3 A. What, the conversation, or what am I referring to?</p> <p>4 <b>Q. Yeah. Do you remember the conversation, and do you</b></p> <p>5 <b>also remember what is being described, this EID inspection from</b></p> <p>6 <b>January 2019?</b></p> <p>7 A. Um, I wasn't there. I remember that because, like I</p> <p>8 said, I fell in the maze, but I remember seeing the fire safety</p> <p>9 come in in the morning meeting. He said: You guys did pass.</p> <p>10 However, there is still the rodent issue.</p> <p>11 I don't remember the exact conversation, like what we</p> <p>12 were referring to at the moment.</p> <p>13 <b>Q. Did you review this communication before the deposition</b></p> <p>14 <b>this morning?</b></p> <p>15 A. Um, yes.</p> <p>16 <b>Q. Okay. So, tell me what is going on there. It sounds</b></p> <p>17 <b>like, in the middle of that first paragraph, he is talking about</b></p> <p>18 <b>the need for bins.</b></p> <p>19 <b>Do you see that?</b></p> <p>20 <b>It says: Fire safety stated that there needs to be</b></p> <p>21 <b>bins to put the things in.</b></p> <p>22 <b>Do you see that sentence?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. So, tell me what -- what you recall about that</b></p> <p>25 <b>conversation regarding the bins and fitting the food in it.</b></p>
<p style="text-align: center;">Page 63</p> <p>1 <b>Why did you go to the lengths of submitting this order?</b></p> <p>2 MS. PULLEN: Object to form.</p> <p>3 A. To try to get it fixed. To try to get it filled or</p> <p>4 dealt with.</p> <p>5 <b>Q. (MR. ALLEN) Okay.</b></p> <p>6 MS. PULLEN: Mr. Allen, could we take another break now</p> <p>7 please?</p> <p>8 MR. ALLEN: Yes. Absolutely.</p> <p>9 (Recess taken from 12:31 until 1:16 p.m.)</p> <p>10 <b>Q. (MR. ALLEN) Do you see that?</b></p> <p>11 MS. PULLEN: Can you tell us what page number you're</p> <p>12 on?</p> <p>13 MR. ALLEN: Yeah. It is -- I'll turn this sideways.</p> <p>14 The Bates stamp is 19, Summit-Gen 19.</p> <p>15 <b>Q. (MR. ALLEN) Do you see that?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Okay. There is a couple communications towards the end</b></p> <p>18 <b>of your discovery response that are similar. I just wanted to</b></p> <p>19 <b>ask you a couple questions about them if I can.</b></p> <p>20 <b>Can you read the date at the top, left-hand corner?</b></p> <p>21 A. January 23rd, 2019.</p> <p>22 <b>Q. Okay. And could you read the second sentence, the one</b></p> <p>23 <b>that says: As I arrived?</b></p> <p>24 A. As I arrived a little later, Fire Safety Sanchez stated</p> <p>25 that we did pass, but because of rodent issue EID almost didn't</p>	<p style="text-align: center;">Page 65</p> <p>1 A. He suggested putting like the bags of beans and rice,</p> <p>2 the 25-pound bags in bins, but, at the time, um, I remember going</p> <p>3 out to go look, um, and then it was a point of, um, like who was</p> <p>4 going to fund it, who was going to pay for it.</p> <p>5 <b>Q. I see.</b></p> <p>6 <b>And where did you go look for the bins?</b></p> <p>7 A. I went pretty much everywhere.</p> <p>8 <b>Q. Like what stores do you recall visiting?</b></p> <p>9 A. I went to National Restaurant Supply, to Target,</p> <p>10 Walmart, Home Depot.</p> <p>11 <b>Q. I see.</b></p> <p>12 <b>And did you find bins that would fit this purpose that</b></p> <p>13 <b>is being discussed here in this e-mail?</b></p> <p>14 A. No, not in the stores. They were ordered.</p> <p>15 <b>Q. And tell me about the size issue that you are saying.</b></p> <p>16 <b>There is a sentence here that says that there is no bins big</b></p> <p>17 <b>enough. Tell me a little about that.</b></p> <p>18 A. When we order, we have to order enough to last a month,</p> <p>19 um, per Summit. But then, um, we would have like fifteen</p> <p>20 25-pound bags. So, we there is no way we could fit 15 bread and</p> <p>21 roll bags in a bin. So, we opted out to changing. I know I</p> <p>22 discussed with Ian at one point in time that we order weekly from</p> <p>23 Sysco. So, we did get the bins and we started ordering like</p> <p>24 weekly.</p> <p>25 <b>Q. So, by ordering weekly you didn't need to have as much</b></p>

<p style="text-align: center;">Page 66</p> <p>1 food being stored at a time.</p> <p>2       <b>Am I understanding that right?</b></p> <p>3       A. Yes.</p> <p>4       <b>Q. Okay. And there is a sentence a little bit further</b></p> <p>5       <b>down that says, where you're explaining the waste logs for the</b></p> <p>6       <b>different food materials. And then it says that there was,</b></p> <p>7       <b>you know, some of these bags were chewed by mice.</b></p> <p>8       Can you tell me about the waste log?</p> <p>9       <b>What is that?</b></p> <p>10      A. Um, what we write down is how many bags we threw away,</p> <p>11      why we threw it away, um, to keep track like what was thrown out,</p> <p>12      why. And like, if your CPM goes a little bit more, then you're</p> <p>13      able to provide justification to the DM and the DOO. Like if</p> <p>14      you're -- like if you're shooting for 82 percent CPM, but now</p> <p>15      it's 125, you have that justification. And, you know, if they</p> <p>16      question you any more, they are able to pull up camera footage at</p> <p>17      what time, what date, and all that's documented.</p> <p>18      <b>Q. I think I need some follow-up clarification questions.</b></p> <p>19      <b>What is the CPM that you're referring to?</b></p> <p>20      A. Cost per meal.</p> <p>21      <b>Q. Cost per meal. And is that --</b></p> <p>22      <b>That is written into your contract; is that correct?</b></p> <p>23      A. I don't think so. I don't think it's per contract as</p> <p>24      far as in that contract. I know it just states like food, like</p> <p>25      feeding, but I don't think it has -- I don't think Western has</p>	<p style="text-align: center;">Page 68</p> <p>1       meals, um, submitting, um, like submitting your, um, invoices.</p> <p>2       There is a lot of -- a variety of things that could associate</p> <p>3       with why you're CPM is elevated. It's not necessarily one thing</p> <p>4       you can point at. Sometimes, inmates stealing food, taking food.</p> <p>5       And it just -- it could be anything.</p> <p>6       <b>Q. That makes sense.</b></p> <p>7       <b>And, um, how big of a concern was waste of food for you</b></p> <p>8       <b>at Western?</b></p> <p>9       A. Um, it wasn't a big concern because it was always</p> <p>10      justified. So, it was justified. It wasn't really a big</p> <p>11      concern.</p> <p>12      <b>Q. And so when you say it's justified you mean you sort of</b></p> <p>13      <b>documented why there was waste?</b></p> <p>14      A. Yeah.</p> <p>15      <b>Q. I see. And so that's what this sentence is about; is</b></p> <p>16      <b>that correct?</b></p> <p>17      Like you're saying that this food in these bags needed</p> <p>18      to be thrown out because mice chewed into them?</p> <p>19      A. Yes.</p> <p>20      <b>Q. Okay. And tell me how often that came up while you</b></p> <p>21      <b>were at Western, that mice would chew into the bags so that you</b></p> <p>22      <b>had to log it on this waste log?</b></p> <p>23      MS. MOULTON: Objection, form and foundation.</p> <p>24      A. Came up to who?</p> <p>25      What are you talking about?</p>
<p style="text-align: center;">Page 67</p> <p>1 anything to do with our CPM.</p> <p>2       <b>Q. I see.</b></p> <p>3       <b>And so how does that, um, is there sort of a target for</b></p> <p>4       <b>CPM that you had while you were at Western?</b></p> <p>5       A. Um, you try to keep it out of there, but it's not</p> <p>6       always that. It's not always going to be that.</p> <p>7       <b>Q. And when you say be that, do you mean it's not always</b></p> <p>8       <b>going to meet the target?</b></p> <p>9       A. Yes.</p> <p>10      <b>Q. Do you remember what the target was?</b></p> <p>11      A. I want to say 79. I'm really bad at remembering stuff</p> <p>12      like that, but I want to say 79.</p> <p>13      <b>Q. And is 79, is that cents per meal?</b></p> <p>14      A. Yes. Uh-huh.</p> <p>15      <b>Q. Okay. And who sets that?</b></p> <p>16      A. I have no idea.</p> <p>17      <b>Q. But did you -- is that a requirement from Summit?</b></p> <p>18      A. Yes.</p> <p>19      <b>Q. So, it's not a requirement from corrections; is that</b></p> <p>20      <b>right?</b></p> <p>21      MS. PULLEN: Form and foundation.</p> <p>22      A. No.</p> <p>23      <b>Q. (MR. ALLEN) Okay. And what are the kinds of things</b></p> <p>24      <b>that would make it so that you didn't meet that CPM target?</b></p> <p>25      A. Like your waste of food, um, your accuracy in counting</p>	<p style="text-align: center;">Page 69</p> <p>1       <b>Q. (MR. ALLEN) How often did you need to put items on a</b></p> <p>2       <b>waste log because they were chewed up by mice or otherwise</b></p> <p>3       <b>contaminated by rodents?</b></p> <p>4       MS. PULLEN: Objection, form.</p> <p>5       MS. MOULTON: Join.</p> <p>6       A. Um, like the whole time I was there or a certain time,</p> <p>7       or?</p> <p>8       <b>Q. (MR. ALLEN) Yeah. Is this something that happened once</b></p> <p>9       <b>a month or, you know, a couple times a year?</b></p> <p>10      <b>What was the frequency in which you put items onto a</b></p> <p>11      <b>waste log because they had been contaminated one way or another</b></p> <p>12      <b>by rodents?</b></p> <p>13      MS. PULLEN: Object to the form.</p> <p>14      A. Up until, like I said, two years ago, it was, I don't</p> <p>15      know, like every day, every other day.</p> <p>16      <b>Q. (MR. ALLEN) Okay. So, up until, I don't know, 2020 or</b></p> <p>17      <b>something, you had, um, you were placing things at least every</b></p> <p>18      <b>other day on a waste log because they were chewed up by rodents</b></p> <p>19      <b>or had rodent feces in them or were otherwise touched by rodents.</b></p> <p>20      Am I understanding that correctly?</p> <p>21      MS. MOULTON: Objection, form.</p> <p>22      MS. PULLEN: Foundation.</p> <p>23      A. Yeah, we would document. We would document -- document</p> <p>24      what was being thrown out from the kitchen.</p> <p>25      <b>Q. (MR. ALLEN) And, um, who received those waste logs?</b></p>

<p style="text-align: center;">Page 78</p> <p>1 the impression that it was Summit's responsibility to address the 2 rodent infestation?</p> <p>3 A. Yes.</p> <p>4 MS. PULLEN: Objection to form.</p> <p>5 Q. (MR. ALLEN) Could you repeat that answer, Ms. Estevan?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let me go down to the next page here. And I 8 have to flip this thing. Let's see here. So, this would be -- 9 let's see. The Bates stamp is Summit-Gen 20.</p> <p>10 Do you see that document?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what is the date in the top, left corner of 13 this communication?</p> <p>14 A. April 19, 2019.</p> <p>15 Q. And you're sending this to Ian again. So, it's short. 16 So, if you could just read the message that you sent to Ian, I 17 would appreciate it.</p> <p>18 A. So just FYI, I spent 70-some dollars on plastic bins as 19 the mice are not going anywhere. And all I have is mouse traps, 20 and those ain't working. And more every day I am throwing out 21 waste of gravies, cheese sauce, Fritos, tortilla chips. So, I 22 figure I spent a little to save inventory.</p> <p>23 Q. Tell me about the assertion that the mouse traps aren't 24 working.</p> <p>25 Like why did you feel that way?</p>	<p>1 and so much blueberry mix.</p> <p>2 So, when I found that out, I said maybe I will just go 3 get more bins and do the other storage, do the other storage like 4 how I did the bakery item storage.</p> <p>5 Q. Oh, I see. So, you bought bins for the bakery items?</p> <p>6 A. Yes.</p> <p>7 Q. I see.</p> <p>8 And when did you buy those bins?</p> <p>9 A. Um, like around the date of the 1st, like January of 10 that year, January or February. Because, like I said, it became 11 like smaller, to ones that were smaller. And is it Western or is 12 it Summit? And I just, like rather than waiting for an answer, I 13 just went out and bought it.</p> <p>14 Q. I see.</p> <p>15 And so this e-mail reflects that you bought additional 16 bins for these different food items; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And was there ever any resolution about who was 19 responsible for that sort of infrastructure, for buying the bins?</p> <p>20 MS. PULLEN: Objection, form and foundation.</p> <p>21 A. I don't know if I ever waited on anybody. I have -- I 22 just went out and bought them. I didn't wait for an answer. I 23 just went to go buy them.</p> <p>24 Q. (MR. ALLEN) Okay. Makes sense.</p> <p>25 Let's go down to the next one. So, this is</p>
<p style="text-align: center;">Page 79</p> <p>1 A. Because just like it says on the next one, that we're 2 still throwing out waste.</p> <p>3 Q. So, from your perspective, the mouse traps didn't do 4 much to control the rodent problem at Western; is that correct?</p> <p>5 MS. MOULTON: Objection, form and foundation.</p> <p>6 A. Not at Western, but at the kitchen. I don't -- I can't 7 answer for the whole facility. I can only answer what was going 8 on in the kitchen. It wasn't working for the kitchen.</p> <p>9 Q. (MR. ALLEN) Okay. So, just to make sure I understand, 10 you're saying that the mouse traps didn't work to control the 11 rodent problem in the kitchen at Western; is that correct?</p> <p>12 MS. MOULTON: Same objections.</p> <p>13 A. Yes.</p> <p>14 Q. (MR. ALLEN) Could you repeat your answer?</p> <p>15 I just want to make sure it's on the record.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What conversations did you have with Ian about 18 sort of saving inventory and making sure -- and, you know, 19 addressing any sort of waste?</p> <p>20 Do you recall?</p> <p>21 A. What I meant by that was like if I buy bins, because we 22 had tried it -- because you're talking about two separate areas. 23 It's not the same area. So, it started working where we had 24 bread and roll mixes, which was then saving us inventory. I 25 could see that I wasn't throwing out so much bread and roll mix</p>	<p>1 Page 80</p> <p>1 Summit-Gen 21 is the Bates stamp in the bottom, right corner.</p> <p>2 And it is addressed to Mr. Martinez.</p> <p>3 Can you read the date in the top, left corner?</p> <p>4 A. May 8, 2019.</p> <p>5 Q. Okay. Did you have a chance to review this before the 6 deposition as well?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So, just describe to me what's going on in this 9 communication.</p> <p>10 Like why did you send this to Warden Martinez?</p> <p>11 A. Um, because the inmate, um, was filing a grievance, and 12 it had to do with my staff and my AFSD at the time, Walley, 13 because she was defiant. I don't remember why we released a 14 certain inmate from the kitchen, um, but I remember the actual 15 e-mail, um, stating that we were -- just as it states.</p> <p>16 Q. Does AFSD stand for Assistant Food Service Director?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So, Ms. Wally became your, um, sort of the next 19 person in leadership at Western or Summit?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And so I know who Ian is. We talked about Anne 22 Marie Perez.</p> <p>23 Tell me who Mr. Branch is that's copied on this e-mail.</p> <p>24 A. He was the, um -- they put him in charge of the kitchen 25 at one point in time. I don't remember if he was a lieutenant or</p>

<p style="text-align: center;">Page 86</p> <p>1 A. Yes.</p> <p>2 Q. Is that -- that is a separate cooler, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And there was mice coming and going from there too, 5 right, and you wanted that hole plugged up?</p> <p>6 MS. PULLEN: Objection to form and foundation.</p> <p>7 MS. MOULTON: Join.</p> <p>8 A. I don't remember seeing mice going in and out. It was 9 just a big hole.</p> <p>10 Q. (MR. ALLEN) You just -- I think what you said is that 11 you saw rodent feces collected around the hole.</p> <p>12 Am I remembering that correctly?</p> <p>13 A. On the mouse trap.</p> <p>14 Q. On the mouse trap. Okay.</p> <p>15 And how long was that hole there without being 16 addressed?</p> <p>17 A. Years.</p> <p>18 Q. Years?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay. There is, um -- you know, one thing we've heard 21 from a bunch of folks, including our plaintiffs, and there is a 22 document to this effect too, is there is some kind of vent -- and 23 I haven't been able to visit the facility. I've been there 24 before, but not in the kitchen.</p> <p>25 But there is some sort of stack or vent in the middle</p>	<p style="text-align: center;">Page 88</p> <p>1 Q. Well, tell me about that.</p> <p>2 Did any inmates complain to you about that?</p> <p>3 A. Maybe one or two.</p> <p>4 Q. So, as far as you know, it's just one or two inmates 5 who had an issue with rodents in that vent?</p> <p>6 A. Not having an issue. Just bringing it to my attention, 7 which we already knew.</p> <p>8 Q. How did you know that if no one else told you about it 9 and you didn't observe it yourself?</p> <p>10 A. You could see it. You could see them on the floor.</p> <p>11 You see them, like when one went up.</p> <p>12 Q. So, did you see, yourself, mice going in and out of 13 that vent?</p> <p>14 A. I don't know about going in and out, but going in, 15 yeah.</p> <p>16 Q. And how many mice did you see; that you can recall, 17 going into the vent?</p> <p>18 A. Daily? Weekly?</p> <p>19 What are you referring to?</p> <p>20 Q. I'm asking like for a number.</p> <p>21 Do you recall like a rough number of how many mice you 22 saw entering that vent over the time you were at Western?</p> <p>23 A. Maybe just like one or two, but I don't know if they 24 were the same mice.</p> <p>25 Q. Did you have any concerns about mice going in and out</p>
<p style="text-align: center;">Page 87</p> <p>1 of the kitchen. Do you recall this?</p> <p>2 A. Yes.</p> <p>3 Q. And multiple people have said that there was rodents 4 sort of coming and going out of that vent.</p> <p>5 Do you recall anything about that?</p> <p>6 MS. MOULTON: Objection to form and foundation.</p> <p>7 MS. PULLEN: Same.</p> <p>8 A. Yes.</p> <p>9 Q. (MR. ALLEN) And numerous people have said that there 10 was rodents that could be heard sort of moving around inside the 11 vent.</p> <p>12 Do you recall that?</p> <p>13 A. I don't -- didn't spend too much time listening to 14 mouse activity.</p> <p>15 Q. Did anyone ever complain to you about mice living in 16 that vent?</p> <p>17 A. Anyone?</p> <p>18 Who are you talking to?</p> <p>19 Who are you talking about?</p> <p>20 What do you mean?</p> <p>21 Q. I'm talking about anyone, any person.</p> <p>22 Did any person ever complain to you about mice living 23 in that vent in the middle of the Western kitchen?</p> <p>24 A. Personnel like, but they never came into the kitchen.</p> <p>25 So, if anybody complained, it would have been inmates.</p>	<p style="text-align: center;">Page 89</p> <p>1 of that vent?</p> <p>2 A. Yes, and I had asked Western to remove it.</p> <p>3 Q. And was it removed?</p> <p>4 A. Yes.</p> <p>5 Q. Who did you ask to remove that vent?</p> <p>6 A. Um, maintenance.</p> <p>7 Q. Do you ever talk to the warden about that vent?</p> <p>8 A. I believe so, but I think they're concern was that if I 9 have electric going through there. So, it was something that, I 10 believe, had to be researched before they could take it down. I 11 think that's what it was.</p> <p>12 Q. I see. Okay. Let me ask about inspections. And I'm 13 thinking of, you know, mainly about the -- the inspections by 14 Mr. Orona.</p> <p>15 How did you, um, know when Mr. Orona was going to come 16 by Western to do an inspection?</p> <p>17 A. Well, your EID comes through once a year. So, you 18 generally know. If you look at your EID reports, it's going to 19 show you the date that he was there. So, you generally know, if 20 you were inspected in April, he's going to come sometime in 21 April.</p> <p>22 Q. I see.</p> <p>23 And were you ever given advance warning that he was on 24 his way?</p> <p>25 A. No.</p>

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<p>1 MS. MOULTON: Yeah. And I'll be more than that, so    2 yeah. I mean, I think I'll be more than that, so let's do that.    3 (Recess taken from 2:14 until 2:26 p.m.)    4 MR. ALLEN: I think I forgot to mark Ms. Estevan's    5 discovery responses as Exhibit 1. I just wanted to mention that.    6 (Exhibit 1 was marked.)    7    8 EXAMINATION    9 BY MS. MOULTON:    10 Q. Ms. Estevan, my name is Debra Moulton, and I represent    11 the defendants Sanchez, Martinez and Lucero-Ortega. And I have a    12 couple of follow-up questions.    13 I want to start sort of where you ended with Mr. Allen    14 and ask you what you did if you found contaminated food.    15 A. What I did was, um, I would, um, pull it from the    16 coolers, initially check the sack where it was on, if there was    17 sacked food. And then I would put it in a plastic bag, double    18 bag it and then let sallyport know that we had hot trash.    19 Q. Okay. And do you recall that that happened    20 infrequently? Frequently?    21 How often did that happen?    22 A. Up until, like I had mentioned, maybe two years ago it    23 happened frequently. Frequently meaning like maybe every other    24 day.    25 Q. Okay. And then two years ago it's stopped happening?</p>	<p>1 Q. And your position was that it was provided by the    2 state, and what was the warden's position at that point?    3 A. I don't know what her position was, but that was my --    4 that was my thinking, that, um, the state was supposed to provide    5 the bins.    6 Q. Okay. And, um, how long did you wait after having the    7 conversation with Warden Lucero-Ortega to purchase the bins?    8 A. You know, I don't remember the year that I actually    9 bought the bins or I first started buying them. I -- I don't    10 remember.    11 Q. Okay. Do you recall when Warden Lucero-Ortega was    12 present at that facility as the warden?    13 A. On buying the bins, or?    14 Q. Just when she was the warden.    15 Do you remember that?    16 A. Yeah.    17 Q. Was she the warden there when you started?    18 A. Yes, she was.    19 Q. Does it sound correct in your mind that she was the    20 warden there until the end of 2018?    21 A. I believe so. I think so.    22 Q. Okay. All right. And, um, how many conversations did    23 you have with Warden Lucero-Ortega regarding the, um, regarding    24 the bins, if you can recall?    25 A. Like I had mentioned, it like wasn't the topic of</p>
<p style="text-align: center;">Page 99</p> <p>1 A. Because we, um, bought the bins. And then eventually,    2 um, Western did give us a whole new kitchen basically.    3 Q. Let me ask you about the bins.    4 When did you first purchase bins?    5 When did Summit first purchase bins of any type, any    6 type of bins?    7 A. Oh, gosh. I don't remember the exact year, um.    8 Q. Do you recall having a conversation with Warden    9 Lucero-Ortega regarding the bins when she was a warden?    10 A. Um, I believe so.    11 Q. And what do you remember about that?    12 A. I let her know it was a suggestion from Mr. Sanchez to    13 buy bins.    14 Q. Okay.    15 A. And then that's when I asked her if the state was going    16 to buy them or if it's something that we provide. And it went    17 down into like the contract and smaller and then we just kind of,    18 you know, ended the conversation there.    19 Q. I'm sorry. So, you didn't get an answer to the    20 question?    21 A. Not a direct answer. Like I said, it was always a    22 matter of what does the contract say, um, like what is the    23 wording in the contract. Is it small ware? Is that considered    24 small ware, and is it provided by the state? Is it provided by    25 Summit?</p>	<p style="text-align: center;">Page 101</p> <p>1 discussion. You know, we just kind of went through our daily    2 meetings, um, telling about overall days. But it wasn't -- like    3 we didn't carry on a conversation about my bins and the kitchen.    4 Q. Let me ask the question this way.    5 Do you recall having more than one discussion with her    6 about the bins?    7 A. I believe so.    8 Q. Okay. Did you have five conversations with her about    9 the bins?    10 A. I don't remember.    11 Q. Okay. And was she, um, urging you to get bins in the    12 kitchen, um, because of an EID inspection?    13 A. No.    14 Q. Okay. It just came up as, from Mr. Sanchez, as a    15 suggestion?    16 A. Yes.    17 Q. And do you remember when that came up as a suggestion    18 from Mr. Sanchez?    19 A. I -- it was Mr. Sanchez that mentioned it like most,    20 like a lot I guess you would say. It was always a suggestion,    21 but then, like I said, it always boiled down to who was going to    22 pay for it. And that's when I just did due diligence and just    23 used my purchasing card and bought it.    24 Q. And Mr. Sanchez, I think, didn't start as FSSO until    25 sometime in 2018, um, mid year, I believe.</p>

<p style="text-align: center;">Page 102</p> <p>1       <b>Does that sound correct to you?</b></p> <p>2       A. I believe he came on as an officer and the position was 3       open. I think. I'm not sure how he became -- how he entered in 4       that role, I guess is the way I'm putting that.</p> <p>5       <b>Q. And do you recall having discussions with him -- with</b> 6       <b>his predecessor about bins?</b></p> <p>7       A. Who would his predecessor be?</p> <p>8       <b>Q. The person that was in that job before, the previous</b> 9       <b>FSSO?</b></p> <p>10      A. Oh, okay. No, I don't. I don't. And I know who she 11     was, Nicole Garcia.</p> <p>12      <b>Q. Correct.</b></p> <p>13      A. She would just give us a sack of mouse traps.</p> <p>14      <b>Q. Okay.</b></p> <p>15      A. Not as helpful as maybe Mr. Sanchez was.</p> <p>16      <b>Q. Okay. And so, in the course of your discussion with</b> 17     <b>Mr. Sanchez, um, he suggested the bins, and then was that the</b> 18     <b>first time you purchased bins for the kitchen, for your dry</b> 19     <b>goods?</b></p> <p>20      A. Um --</p> <p>21      MS. PULLEN: Objection to form.</p> <p>22      A. I don't remember when I purchased the bins. I -- I 23     don't remember.</p> <p>24      <b>Q. (MS. MOULTON) Did you purchase bins, um, more than one</b> 25     <b>time?</b></p>	<p style="text-align: center;">Page 104</p> <p>1       <b>about bins?</b></p> <p>2       A. Just about who buys them, is it small ware or how -- 3       just the same thing I would ask Roberta, you know, just who pays 4       for them. And that's kind of the thing because sometimes they 5       don't let you bring stuff in.</p> <p>6       Does that make sense?</p> <p>7       You are limited to bringing items into the prison 8       environment. So, that was another thing that we kind of had to 9       run by them before we actually brought it in.</p> <p>10      <b>Q. And how was it that you were having the same</b> 11     <b>conversation with Mr. Martinez that you had had with</b> 12     <b>Ms. Lucero-Ortega about the bins?</b></p> <p>13      A. Because the mice were still getting -- were still 14     chewing the bags of like the bread and roll mix. So, it's just, 15     like I said, you -- you hear what Mr. Sanchez is saying, but then 16     there is also the all mighty dollar that who is going to pay for 17     them.</p> <p>18      <b>Q. And had you stopped buying bins and that led to the</b> 19     <b>bags being left out; is that what happened?</b></p> <p>20      A. No.</p> <p>21      MS. PULLEN: Objection to form.</p> <p>22      A. Um, we -- once we started getting the bins in, then 23     that's when all of the mice started stopping. We didn't see as 24     much mice.</p> <p>25      <b>Q. (MS. MOULTON) Right. Okay. And then -- and then did</b></p>
<p style="text-align: center;">Page 103</p> <p>1       A. Um, yes. I would have to keep like renewing them 2       because of the weight. Some of those bins weren't designed -- 3       and then we always had to get the clear ones for -- for safety.</p> <p>4       <b>Q. So, do you recall how many times over the course of</b> 5       <b>your time at Western that you purchased bins for dry storage?</b></p> <p>6       A. Um, like I said, it was something that I bought often, 7       maybe every other month, um. Working with inmates, they're not 8       careful. They'll just throw the bags in there. So, once I would 9       see a like a crack in it we would have to get new ones. And we 10      would have to get clear ones so the inmates aren't hiding stuff 11      in there. So, sometimes you could find them and sometimes you 12      couldn't.</p> <p>13      <b>Q. So, it sounds like you were -- you were purchasing them</b> 14      <b>at least from the time that Warden Lucero-Ortega was there all</b> 15      <b>the way until you left?</b></p> <p>16      A. I would have to -- I would have to go back and -- if I 17     needed to, I guess ask accounting, someone in accounting when I 18     exactly bought them because I didn't buy them with cash. I 19     bought them with a purchasing card. So, I can't answer that as 20     exactly as you think I could.</p> <p>21      <b>Q. Okay. Let me ask you this question.</b></p> <p>22      <b>Did you, um, did you have a conversation about bins</b> 23      <b>with a warden other than Warden Lucero-Ortega?</b></p> <p>24      A. Yeah, with, um, Mr. Martinez.</p> <p>25      <b>Q. Okay. And what was your conversation with Mr. Martinez</b></p>	<p style="text-align: center;">Page 105</p> <p>1       <b>you stop, um, stop buying the bins and then that resulted in more</b> 2       <b>chewing of the bags?</b></p> <p>3       A. No. We always had bins thereafter.</p> <p>4       <b>Q. Okay.</b></p> <p>5       A. We bought bins after that.</p> <p>6       <b>Q. Okay. So, I guess, what I'm wondering is, if you had</b> 7       <b>purchased the bins and you were keeping the bins, why did you</b> 8       <b>have another conversation with Warden Martinez who came after</b> 9       <b>Warden Lucero-Ortega.</b></p> <p>10      <b>Does my question make sense?</b></p> <p>11      A. Yeah. Yeah. I understand what you're saying.</p> <p>12      <b>Q. Okay.</b></p> <p>13      A. Because, again, it's funding. It's money that I 14     believe, um, the state should have helped with maybe.</p> <p>15      <b>Q. Okay. And what was Mr. Tillotson's take on that?</b></p> <p>16      <b>What did he tell you to do?</b></p> <p>17      A. He had just told me to use the card and go out and get 18     them.</p> <p>19      <b>Q. All right. Mr. Sanchez, during the whole time was</b> 20     <b>telling you that you needed to get bins?</b></p> <p>21      A. Yes.</p> <p>22      MS. PULLEN: Objection to form.</p> <p>23      <b>Q. (MS. MOULTON) And, just so I'm clear, the bins were</b> 24      <b>used for dry storage, they were used for no other purpose; is</b> 25      <b>that correct?</b></p>

<p style="text-align: center;">Page 110</p> <p>1 Like are you asking like what I would do to fix them or 2 what method?</p> <p>3 <b>Q. It says: Observations and corrective actions.</b></p> <p>4 <b>So, would this be a corrective action and then -- and</b> <b>then what would you do to address these issues, if anything?</b></p> <p>5 A. So, if they could be corrected within -- if they could 6 be corrected within my power, like, um, things needed to be 7 reheated to one point, then we could do that. That would be 8 corrected immediately. But if it was something that I couldn't 9 correct, then I would explore my options. Which then, um, for 10 example, um, like it says repair wall in cooler floor, then I 11 would send out an e-mail to Mr. Sanchez or whatever warden was 12 there and if we had an officer in charge of the kitchen that was 13 delegated, and then Ian. So, I would send out an e-mail and tell 14 them. Sometimes, you'll get --</p> <p>15 And then put in a work order. That was the most I 16 could do. If it was out of my reach, there was nothing I could 17 do.</p> <p>18 <b>Q. Right. So -- so, if you, um, if you could make the</b> <b>corrective action, then you would do that; otherwise, would you</b> <b>pass it on to Mr. Sanchez?</b></p> <p>19 A. Yes. Not, um, not really Mr. Sanchez because like if 20 it was something that I figured maintenance could repair --</p> <p>21 <b>Q. Right.</b></p> <p>22 A. -- we would put in a work order.</p>	<p>1 <b>So, my question is, did you have a timeframe in which</b> <b>to respond, or did you just do it in 11 days because you wanted</b> <b>to be timely?</b></p> <p>2 A. We didn't have, um, a deadline date --</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. -- to repair them. But, to the best of my knowledge, 5 it's always best to correct those, um, actions immediately.</p> <p>6 <b>Q. Right.</b></p> <p>7 A. If you can.</p> <p>8 <b>Q. Yes.</b></p> <p>9 A. But, if you can't, then you just document like what 10 method you took. In this case, I know that I put in a work 11 order, and that's probably as much as I could do.</p> <p>12 <b>Q. Okay. Um, you indicated, um -- and you may have</b> <b>answered this already with Mr. Allen's questions.</b></p> <p>13 <b>But in terms of what he called the stack, um, you said</b> <b>that two inmates had complained, um, about hearing mice being --</b> <b>living in the vent.</b></p> <p>14 <b>Do you recall that?</b></p> <p>15 A. I believe so.</p> <p>16 <b>Q. And do you recall when the vent was -- when the stack</b> <b>was removed?</b></p> <p>17 A. I don't remember. I want to say maybe 2020. I don't 18 remember. I don't have an exact date for you.</p> <p>19 <b>Q. Do you recall who was the warden at the time?</b></p>
<p style="text-align: center;">Page 111</p> <p>1 <b>Q. Okay. And would you let Mr. Sanchez know about that</b> <b>work order?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. Was he copied?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. He was copied on those? Okay.</b></p> <p>6 And, typically, if you did a corrective action, did you 7 have a time period in which you had to make a correction?</p> <p>8 A. Um, like as far as Ms. Orona coming back through, or?</p> <p>9 <b>Q. Just for any purpose.</b></p> <p>10 Yeah. Do you recall if you had a timeframe in which to 11 address the issues?</p> <p>12 A. No. I -- I --</p> <p>13 <b>Q. Okay. Let's take a look at Summit-Gen 5.</b></p> <p>14 MS. PULLEN: Excuse me. Did you have anything else to 15 your answer there?</p> <p>16 A. No.</p> <p>17 MS. PULLEN: Okay.</p> <p>18 <b>Q. (MS. MOULTON) That's an e-mail that you wrote to</b> <b>Mr. Perez on April 21 of 2017, um. And it says: The following</b> <b>were violations that have been corrected by Summit Food Service.</b></p> <p>19 <b>And then you go through and list those specifically.</b></p> <p>20 <b>And I guess my question to that, that originally came</b> <b>in, if you go back to Document No. 1, um, it looks like that was</b></p> <p>21 <b>April 10th. And then your e-mail to him was April 21st.</b></p>	<p>1 <b>Page 113</b></p> <p>1 A. No, I don't.</p> <p>2 <b>Q. Were the two inmates that complained Garcia and Zapata?</b></p> <p>3 A. I don't remember.</p> <p>4 <b>Q. You talked about Erica Langston in one of the e-mails.</b></p> <p>5 I think it was -- I'm sorry, yeah, in one of the e-mails dated 6 5-8-19.</p> <p>7 <b>Erica Langston, did she work in the kitchen with Zapata</b> <b>and Garcia?</b></p> <p>8 A. I don't remember. I don't think she did.</p> <p>9 <b>Q. Did she come after or before?</b></p> <p>10 A. I believe that was after.</p> <p>11 <b>Q. Okay. All right. You talked about your interaction</b> <b>with -- with, um, wardens and being frustrated by that.</b></p> <p>12 <b>What was your -- did you have frustration with Warden</b> <b>Lucero Ortega?</b></p> <p>13 A. Uh, yeah.</p> <p>14 <b>Q. And what was that frustration?</b></p> <p>15 A. Just, you know, you report stuff and, to me, I just 16 felt like nothing was being done.</p> <p>17 <b>Q. I'm sorry. Say that again. I'm having a hard time</b> <b>hearing.</b></p> <p>18 A. Like you report stuff to them and nothing is being 19 done.</p> <p>20 <b>Q. Okay. And can you explain specifically what it was</b> <b>that you reported and you felt like nothing was done?</b></p>

<p style="text-align: center;">Page 114</p> <p>1 A. Like the mouse holes, the mouse droppings and just    2 nothing was being done. You would offer suggestions, and you    3 would be shut down, you know, stuff like that. It's frustrating.    4 Q. Okay. And that was with Warden Lucero-Ortega.    5 How about with Warden Martinez?    6 A. The same thing. Just the same thing. Just --    7 Q. Anything in addition with him?    8 A. No. Just like how I mentioned you try to report stuff    9 and nothing is being done, and then you have inspectors coming in    10 and the finger is pointing at you. And it's like: Well, I    11 already sent e-mails. I tried to -- I gave you suggestions, but    12 you don't -- nothing is being done.    13 Q. Okay. Did you ever have a conversation with Ian about    14 that?    15 A. Yeah.    16 Q. And did you and Ian and the wardens meet?    17 A. Um, the first two wardens, no, Roberta and Leon, I    18 don't think so.    19 Q. Okay. And how about with the third warden, did you    20 meet with Ian at that point?    21 A. Um, with -- is that Ms. Richards, are you referring to    22 Ms. Richards.    23 Q. Richards. It's a hyphenated name.    24 A. Vigil-Richards.    25 Q. Okay. There you go.</p>	<p>1 from me. You know, I try not to erase anything.    2 Q. Okay.    3 A. Besides junk.    4 Q. And so did you go through your e-mails one by one and    5 look for a discussion?    6 How did you -- how did you select these particular    7 ones?    8 A. Um, I believe I just -- I put in the search engine my    9 boss's name and then kind of sifted through them. It wasn't very    10 hard to not find.    11 Q. Okay. So, would these 22 pages indicate all of your    12 e-mails related to rodents in the kitchen at Western during the    13 time that you were there?    14 MS. PULLEN: Objection to form.    15 Q. (MS. MOULTON) Let me rephrase that.    16 Would these 22 pages indicate all the e-mails and    17 documents you have saved, um, between 2017 through 2019?    18 A. Um, like I said, I -- I try to -- even with my current    19 job, I don't erase a lot of stuff.    20 Q. Right. So, this would be everything?    21 A. Yeah, um, to the best of my knowledge, unless I missed    22 something. I don't record phone conversations or anything that    23 way.    24 Q. Right. Okay. But how you determine -- how you located    25 this is -- like I'm curious. You have here like number five that</p>
<p style="text-align: center;">Page 115</p> <p>1 And so did you meet with her?    2 A. Yeah.    3 Q. With Ian?    4 A. Yeah, but it wasn't like the mice issue. It was -- I    5 don't remember what the issues were. I don't remember.    6 Q. Okay. To your knowledge, have any of the inmates ever    7 complained about you as the boss?    8 A. Like what kind of complaint?    9 Q. Any kind.    10 A. Not that it was brought to my attention, like any    11 specific conversation.    12 Q. Okay. And you deal with grievances, food service    13 grievances; is that correct?    14 A. It's addressed to me per ACA.    15 Q. Okay. And did you ever receive a grievance from    16 Ms. Zapata or Ms. Ortega or Ms. Garcia that you recall?    17 A. No.    18 Q. Okay. I just want to be sure. You've produced, I    19 think, some 22 pages of e-mails or paperwork, I should say.    20 How did you locate those documents?    21 A. I try to keep copies of everything.    22 Q. Okay. And so when you came to answering discovery then    23 you did a search on your computer to --    24 What did you search on your computer?    25 A. I -- I save all my e-mails from my boss, to my boss and</p>	<p style="text-align: center;">Page 117</p> <p>1 we were just looking at. That was to Deputy Warden Pete Perez,    2 from you, in 2017. And that doesn't have your boss's name on it    3 anywhere.    4 So, how did that come up, or did you just find that in    5 the course of your searching?    6 A. Because when, like with inspections, you are always    7 going to have something to follow for your, um, for your, um --    8 you have like what corrective actions you made, and you have to    9 let the wardens know that you corrected these actions, or deputy    10 warden. I believe she was on leave at this point or something.    11 She was -- that's probably why it was addressed to Mr. Perez.    12 Q. So, would you have found that as a result of looking    13 through your e-mails to Mr. Tillotson?    14 A. Um, I don't think so because I didn't copy him on that,    15 and then I would forward it to him if I missed him.    16 Q. Okay. All right. So, you didn't necessarily provide    17 the, um, the e-mail to Mr. Tillotson, but you provided the e-mail    18 that you provided to Mr. Perez?    19 A. Uh-huh.    20 Q. Is that accurate?    21 A. Um, like, just like I said, if I -- if I missed, um,    22 copying Ian, then I would send it to him at a later date, but I    23 don't remember.    24 Q. All right. Um, if you could go to Page 10 please. You    25 were asked, um, by Mr. Allen about inspections, and you talked</p>